

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MONTE CATO LITTLE COYOTE, JR.,

Defendant.

CR 13-74-BLG-DWM

ORDER

On December 10, 2024, United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations with respect to the disposition of the revocation proceedings stemming from the August 27, 2024 petition for revocation of Defendant Monte Cato Little Coyote, Jr.'s supervised release. (*See* Docs. 51, 71.) The petition alleges three violations: (1) failure to abstain from the consumption of alcohol and the entry into establishments where alcohol is the primary item of sale; (2) failure to enter and successfully complete an outpatient sex offender treatment program as approved by the probation officer; and (3) failure to comply with substance abuse testing requirements. (*See* Doc. 51.) At the final revocation hearing held on December 10, 2024, Little Coyote, Jr. admitted to all allegations in the petition. (*See* Doc. 71.) Based on the admitted conduct, Judge Cavan found that Little Coyote, Jr. committed the violations alleged in the

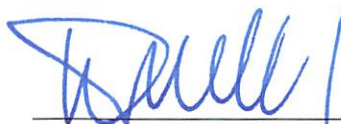
petition and recommends that supervised release be revoked and that this Court sentence Little Coyote, Jr. to a term of time served followed by 118 months of supervised release. (*See id.*)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge Cavan's conclusion that the defendant violated the conditions of his release in the manner set forth in the petition, and that the defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 71.)

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations, (Doc. 71), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 30th day of December, 2024.



Donald W. Molloy, District Judge
United States District Court